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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/676,319

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Ernie F. Brickell

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EXAMINER

HENNING, MATTHEW T

ART UNIT

PAPER NUMBER

2131

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/20/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/676,319

Applicant(s)

BRICKELL ET AL.

Examiner

Matthew T. Henning

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-46, 48-54, 56-62, 64 and 65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-46, 48-54, 56-62, 64 and 65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1 This action is in response to the communication filed on 9/22/2006.

2 **DETAILED ACTION**

3 *Continued Examination Under 37 CFR 1.114*

4
5 A request for continued examination under 37 CFR 1.114, including the fee set forth in
6 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is
7 eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)
8 has been timely paid, the finality of the previous Office action has been withdrawn pursuant to
9 37 CFR 1.114. Applicant's submission filed on 8/24/2006 has been entered.

10 *Response to Arguments*

11 Regarding applicants' argument that Saito did not teach providing information indicative
12 of receipt of valid digital credential information from the relying party, the examiner does not
13 find the argument persuasive. Saito teaches that when the certificate is valid, access control
14 information of the user including ciphered user ID, password, and access level is transmitted
15 from authentication server 2 to application server 6. Then when the application server verifies
16 the access control information from the authentication server, an accept message is transmitted to
17 the client. Because the access control information is not sent to the application server if unless
18 the certificate was determined to be valid, the access control information is therefore "indicative"
19 of a valid certificate. Similarly, the access control information is not verified by the application
20 server if the certificate is not valid, and thus the client would not receive the accept message if
21 the certificate was not valid. As such, the accept message is indicative that the certificate was
22 valid. Therefore, the examiner does not find the argument persuasive.

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1 All objections and rejections not presented below have been withdrawn.

2 Claims 42-46, 48-54, 56-62, and 64-65 have been examined.

3 ***Information Disclosure Statement***

4 The information disclosure statement (IDS) submitted on 9/22/2006 was filed with the
5 Request for Continued Examination. The submission is in compliance with the provisions of 37
6 CFR 1.97. Accordingly, the information disclosure statement is being considered by the
7 examiner.

8 ***Claim Rejections - 35 USC § 103***

9 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
10 obviousness rejections set forth in this Office action:

11 *A patent may not be obtained though the invention is not identically disclosed or*
12 *described as set forth in section 102 of this title, if the differences between the subject*
13 *matter sought to be patented and the prior art are such that the subject matter as a*
14 *whole would have been obvious at the time the invention was made to a person having*
15 *ordinary skill in the art to which said subject matter pertains. Patentability shall not be*
16 *negated by the manner in which the invention was made.*

17
18 Claims 42-46, 48-54, 56-62, and 64-65 are rejected under 35 U.S.C. 103(a) as being
19 unpatentable over Sheehan et al. (US Patent Number 6,311,163) hereinafter referred to as
20 Sheehan, and further in view of Saito et al. (US Patent Number 6,275,941) hereinafter referred to
21 as Saito, and further in view of State of Colorado (Senate Bill 97134 LLS NO. 970530.01)
22 hereinafter referred to as Colorado.

23 Regarding claims 42, 50 and 58, Sheehan disclosed a system, method, and software for a
24 prescribing party to issue a prescription through a communication network such as the Internet,
25 in which the prescribing party includes doctors, health service providers, and other authorized
26 personnel (See Sheehan Abstract and Col. 3 Lines 45-57, Col. 4 Lines 47-49, and Fig. 4).

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1 However, Sheehan failed to disclose a method for ensuring that the prescribing party was in fact
2 authorized to issue prescriptions, or checking the professional license status information of the
3 prescribing party.

4 Colorado teaches that in order to write a prescription in the state of Colorado, an
5 advanced practice nurse must be listed on the advanced practice registry, have a license in good
6 standing without disciplinary sanctions, and have fulfilled requirements established by the board
7 (See Colorado Section 7).

8 Saito teaches a system for authenticating a user in a network (See Saito Fig. 5 and Col. 7
9 Lines 5-55) involving storing authentication information for a plurality of users (See Saito Col. 7
10 Lines 25-26 wherein the public keys of users must have been stored in order for them to be
11 accessed by the authentication server); at an authentication service (authentication server),
12 receiving digital credential information (integrated certificate) associated with a first user (client)
13 from a relying party (application server) (See Saito Col. 7 Lines 21-24); verifying the digital
14 credential information associated with the first user to the relying party (See Saito Col. 7 Lines
15 25-36); providing verification information associated with the first user to the relying party (See
16 Saito Col. 7 Lines 36-52); and providing information from the authentication service to the first
17 user, the information indicative of receiving the digital credential information associated with the
18 first user from the relying party (See Saito Col. 7 Lines 36 – Col. 8 Line 8). Saito further teaches
19 providing information to the first user comprises providing access to an activity log associated
20 with the first user (See Saito Col. 8 Lines 3-5 and 36-44).

21 It would have been obvious to the ordinary person skilled in the art at the time of
22 invention to employ the teachings of Colorado in the prescribing party authorization system of

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1 Sheehan by checking the standing of the medical license of the party, whether they are registered
2 on the advance practice registry, and the status of fulfillment of the requirements established by
3 the board. This would have been obvious because the ordinary person skilled in the art would
4 have been motivated to validate that all legal requirements for issuing prescriptions were fulfilled
5 prior to authorizing the party to issue prescriptions.

6 It further would have been obvious to the ordinary person skilled in the art at the time of
7 invention to employ the teachings of Saito in the network prescription issuing system of Sheehan
8 and Colorado by having the prescribing doctor send an integrated certificate to the server, and
9 having the server authenticate the certificate and doctor via an authentication server, and to
10 verify the legal requirements for issuing a prescription as taught by Colorado. This would have
11 been obvious because the ordinary person skilled in the art would have been motivated to ensure
12 that only authorized doctors were issuing prescriptions.

13 Regarding claims 43, 51, and 59, the combination of Sheehan, Colorado and Saito
14 disclosed providing access to an activity log associated with the first user (See Saito Col. 8 Lines
15 3-5 and 36-44).

16 Regarding claims 44-45, 52-53, and 60-61, the combination of Sheehan, Colorado, and
17 Saito disclosed that the professional license status information comprises registration information
18 indicative of a professional license registration status with a registration authority (See Colorado
19 Section 7), and the method further comprises, prior to providing the verification information to
20 the relying party, verifying the registration information with the registration authority (See
21 Colorado Section 7 and the rejection of claim 42 above).

Regarding claims 46, 54, and 62, the combination of Sheehan, Colorado, and Saito disclosed storing access information associated with the relying party, the access information including information indicative of the providing the verification information (See Saito Col. 7 Lines 44-52); and providing the access information to the relying party (See Saito Col. 7 Lines 44-52).

Regarding claims 48, 56, and 64, the combination of Sheehan and Saito disclosed that the providing verification information to the relying party comprises providing information indicative of a failure to authenticate the digital credential information associated with the first user (See Saito Col. 7 Lines 36-38).

Regarding claims 49, 57, and 69, the combination of Sheehan and Saito disclosed at least one of the relying party and the authentication service issuing a challenge in response to receiving digital credential information associated with the first user (See Saito Col. 7 Lines 21-24).

Conclusion

Claims 42-46, 48-54, 56-62, and 64-65 have been rejected.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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1 Information regarding the status of an application may be obtained from the Patent
2 Application Information Retrieval (PAIR) system. Status information for published applications
3 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
4 applications is available through Private PAIR only. For more information about the PAIR
5 system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR
6 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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16 Assistant Examiner
17 Art Unit 2131
18 12/14/2006
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